

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA ex rel.)
FOUNDATION AIDING THE ELDERLY;)
MARSHA J. BAKER,)

Plaintiffs-Appellants,)

v.)

HORIZON WEST INC., a California)
corporation; HERITAGE)
CONVALESCENT HOSPITAL;)

EMPRESS CONVALESCENT)
HOSPITAL; EMERALD)
DISTRIBUTING COMPANY, INC.;)
FAR WEST INC., a California)

corporation; LINWOOD GARDENS)
CONVALESCENT HOSPITAL, INC.,)
a California corporation; MID-VALE)
CONVALESCENT HOSPITAL, INC.;)

SACRAMENTO CONVALESCENT)
HOSPITAL, INC., a California)
corporation; SOUTH GATE CARE)
CENTER INC., a California corporation;)

VALLEJO CONVALESCENT)
HOSPITAL, INC., WESTGATE)
GARDENS CONVALESCENT CENTER,)
INC.; MONTEREY BAY)

CONVALESCENT HOSPITAL, INC.;)
SIERRA MEDICAL ENTERPRISES)
INC. SIERRA MEDICAL ENTERPRISES,)
INC. dba Grass Valley Convalescent)

Hospital; EL DORADO)
CONVALESCENT HOSPITAL INC.;)

No. 99-17539

DC No. CV-S-97-548 LKK

ORDER

FOOTHILL OAKS CARE CENTER)
 INC.; HILLTOP MANOR)
 CONVALESCENT HOSPITAL INC.;)
 LAKEPORT SKILLED NURSING)
 CENTER INC.; LINCOLN MANOR)
 INC.; LIVE OAK MANOR INC.;)
 MEADOW VIEW MANOR INC.;)
 MONTEREY PINES SKILLED)
 NURSING FACILITY INC.;)
 NAPA NURSING CENTER INC.;)
 PLACERVILLE PIES CONVALESCENT)
 HOSPITAL INC.; ROSEVILLE)
 CONVALESCENT HOSPITAL INC.;)
 SIERRA HILLS CARE CENTER INC.;)
 SUNNY HILLS CONVALESCENT)
 HOSPITAL INC.; VALLEY VIEW)
 SKILLED NURSING FACILITY INC.;)
 WALNUT WHITNEY)
 CONVALESCENT HOSPITAL INC.;)
 SIERRA SOLANO CARE CENTER)
 INC.; WESTCARE MANAGEMENT)
 INC.; FOUR CORNERS REGIONAL)
 CARE CENTER INC.; PARKDALE)
 CARE CENTER INC.; RED CLIFFS)
 REGIONAL INC.; HORIZON WEST)
 INC.; PACIFIC WEST PHARMACY)
 INC., California corporations; ELLEN L.)
 KUYKENDALL; BERNICE)
 SCHRABECK; MICHAEL MCDONALD;)
 MILTON HARMON; AUBURN MANOR)
 INC., dba Golden Empire Convalescent)
 Hospital dba Parkview Nursing Center;)
 MEDICREST OF CALIFORNIA INC.,)
 dba Medical Center Convalescent)
 Hospital; MEDICREST OF CALIFORNIA)
 INC., dba Arlington Gardens)
 Convalescent Hospital dba Montclair)
 Manor Convalescent Hospital;)

WHITEHALL CONVALESCENT)
HOSPITAL INC., dba Wellesley Manor)
Convalescent Hospital; SIERRA)
HEALTH CARE MANAGEMENT)
CORPORATION dba Sierra Health Care)
Convalescent Hospital; SANDY)
REGIONAL INC., Sandy Regional)
Convalescent and Rehabilitaion Center)
)
Defendants-Appellees.)

Filed December 20, 2001

Before: REINHARDT, TASHIMA, and BERZON, Circuit Judges.

The opinion filed on September 13, 2001, and reported at 265 F.3d 1011, is amended, as follows:

Slip op. at 13218, 265 F.3d at 1014, the statutory citation at the end of footnote 2 is corrected to read: “31 U.S.C. § 3730(e)(4)(A).”

Slip op. at 13222, 265 F.3d at 1016, in the last paragraph of Part II.C, third sentence, substitute “To put it somewhat differently,” for “To put is somewhat differently,”.

Slip op. at 13223, 265 F.3d at 1016, in Part II.D, fourth sentence, substitute “We do not dispute Appellees’ assertion” for “We do not dispute Appellants’ assertion”.

The panel has voted to deny the petition for panel rehearing and for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. *See* Fed. R. App. P. 35(b).

The petition for panel rehearing and the petition for rehearing en banc are denied.